

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.5290 OF 2006

PETITIONER:

Mukhtar Ahmad S/o Rashid Ahmad
aged about 22 years (In the order
wrongly written as 32 years) R/o Pandit
Deendayal Upadhyay Nagar, House No.
D.M. -10, Raipur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh THROUGH:
Collector Durg (C.G.).
2. Santosh Kumar S/o Narayan Oria Aged
about 24 years, R/o Sant Ravidas Nagar,
Camp-2 Bhilai P.S. Chhaoni, District-
Durg C.G.

Present :

Rajesh Kumar Jain, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State of C.G.

ORAL ORDER

(Passed on 6th October, 2006)

The condition imposed by the Collector, Durg, that the petitioner shall furnish his own solvency certificate for a sum of Rupees Two Lakh Fifty Thousand as a condition to release the subject motor vehicle to the interim custody of the petitioner in exercise of the discretionary power has been assailed in this writ petition filed under Article 226 of the Constitution as arbitrary and unreasonable. The Court has to strike a balance between the competing claims of the petitioner and the public interest. The condition imposed by the statutory authority to protect the public interest in its discretion cannot lightly be interfered with by the Court under Article 226 of the Constitution. Be that as it may, the condition imposed by the Collector, Durg that the petitioner shall furnish his own solvency certificate for a sum of

-2-

Rupees Two Lakh Fifty Thousand cannot be condemned as arbitrary and unreasonable and in violation of Article 14 postulates. Writ petition is devoid of merit and accordingly it is dismissed. No costs.

Sd/-
Chief Justice

-2-

Rupees Two Lakh Fifty Thousand cannot be condemned as arbitrary and unreasonable and in violation of Article 14 postulates. Writ petition is devoid of merit and accordingly it is dismissed. No costs.

Sd/-
Chief Justice